

REMARKS

Claims 1-15 are pending in the application. Claims 1-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 or U.S. Pat. No. 6,788,072. Claims 1-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gaisford (U.S. Pat. No. 5,103,181).

Applicant submits herewith a Terminal Disclaimer to overcome the Examiner's rejection of claims 1-15 for obviousness-type double patenting.

Claim 1 has been amended to more clearly define the invention. In particular, amended claim 1 recites "using an imaginary part of the dielectric constant to calculate the soot content in the oil by determining the ratio of the difference between an oscillator tuning voltage generating a first standing wave passing through a portion of the oil having a first soot content and an oscillator tuning voltage generating a second standing wave passing through a portion of the oil having a second soot content over a null voltage level measured for the oil having the second soot content." (Specification paragraph [024]). Applicant respectfully submits that Gaisford et al. does not teach or suggest this aspect of the invention. Further, one skilled in the art would not be motivated by the teachings of Gaisford et al. either alone or in combination with the knowledge generally available to one skilled in the art to arrive at the invention as claimed in amended claim 1.

Claim 8 has been amended to include the limitations of claim 12, which places amended claim 8 in condition for allowance as indicated by the Examiner.

Claim 13 has been amended to depend from amended claim 8.

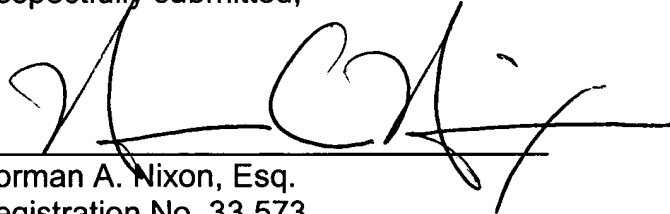
Claims 6 and 12 have been canceled.

In view of the above, applicant submits that claims 1-5, 7, 8-11 and 13-15 are in condition for allowance and notice to that effect is respectfully requested from the Examiner.

The Examiner is invited to call applicant's representative at the number below to discuss any aspects of this application to move it more expeditiously to allowance.

DATED this 2nd day of June, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N. Nixon', written over a horizontal line.

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